



An
Bord
Pleanála

Inspector's Report ABP 306819-20

Development	Amendments to façade, signage and layout for SPAR unit, shopfront design for LIDL, with internal lighting, internally illuminated projecting LIDL sign, SPAR signs and window panel aligned to top architrave features on columns, shutters, and associated site works.
Location	Units 119-120, 121-122 and 123-125 Thomas Street, Dublin 8.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4631/19.
Applicant	LIDL Ireland Ltd.
Type of Application	Permission for Retention.
Decision	Refuse Permission.
Type of Appeal	First Party X Refusal
Appellant	LIDL Ireland Ltd.
Date of Site Inspection	11 th June, 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site which is on the north side of Thomas Street and is that of two buildings: The Millar's Hall, at Nos 119-121 Thomas Street a three storey, seven bay former warehouse dating from the nineteenth century building at which the original facades are intact and which is of industrial and social heritage interest. At present it is in retail use at ground floor level and in apartments on the upper floors. The second building at Nos 123-125 Thomas Street is a three-storey six bay brick faced building with retail use on the ground floor and apartments on the upper floors.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the following at Units 119-120 Thomas Street, Millar's Building: (Protected Structure.)

Adjustments to the internal layout at ground floor level for the Spar Unit. (The permitted layout according to Condition No 3 attached to the prior grant of permission provided for an increased floor plate by setting back a rear partition, omission of a mezzanine level and retention of clear glazing and door on façade free of stickers, posters, and advertisements and removal of frosted glass fitted to the overhead arches on front elevation.)

Amendments to the scale of the window panel aligned to the top of the architrave feature on columns.

The application lodged with the planning authority indicates proposals for the following at Units 121-125 Thomas Street.

Extended timber panelling and changes to the shopfront design. (LIDL)

Timber panelling finished in grey (RAL 7024)

A yellow LED strip light, internally illuminated LIDL sign on the fascia

An internally illuminated projecting LIDL sign.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 7th February, 2020 the planning authority decided to issue a SPLIT decision.

It decided to **grant** permission for the amendments to the permitted layout for the SPAR unit subject to a standard condition with a requirement for adherence to the conditions attached to the original grant of permission under P. A. Reg.Ref.2998/18

The planning authority decided to **refuse** permission for changes to the shopfront design for LIDL, incorporating extended timber panelling finished in grey (RAL 7024), yellow LED strip light, internally illuminated LIDL signage on the fascia and internally illuminated projecting LIDL sign, SPAR signs and window panel aligned to top architrave features on columns and shutters

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposed amendments to the layout for the SPAR were considered by the planning officer not to be in material conflict with Condition No 3 attached to the prior grant of permission whereas, taking into account the advice of the conservation officer, the scale of the window panels, the illuminated corporate signage, are unsuitable whereas individually mounted lettering would be acceptable.

The planning officer notes that the signage for LIDL is extended over the carpark entrance at the western end of the frontage and considers the effect negative in impact in scale and along with the illuminated signage is negative in impact on the protected structure and the Thomas Street and Environs ACA according to which projecting signs are also unacceptable.

4.0 Planning History

P. A. Reg.Ref.2336/14 (PL 244275): This is a grant of permission for changes to the existing façade and shopfront and corporate signage at the LIDO store at Nos 119-120 Thomas Street.

P. A. Reg.Ref.2998/18 (PL 303175): This was an application for creation of two retail units the permitted LIDL discount store and relocation of a SPAR unit with off license along with removal of existing signage. The current proposal is for retention of alterations to this grant of permission particularly with regard to requirements attached under Condition No 3 thereof.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2017-2023 according to which the site area at the rear of No 20 Upper Baggot Street, is subject to the zoning objective Z5 *“To consolidate and facilitate the development of the central area, and to identify, reinforce strengthen and protect its civic design character and dignity.”*

The site also comes within the area of the Thomas Street and Environs Architectural Conservation Area in which guidance is provided on shopfronts and signage.

No 119-120, the Millar’s Hall is included on the record of protected structures.

Policy CHC2 provides for ensuring the protection of the special character and integrity of protected structures. Guidance and standards on works and additions, internally and externally, to protected structures are set out in section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.

Policy CHC4 provides for the protection of the special interest and character of Dublin’s Conservation Areas. Development within or affecting all conservation areas will contribute positively to the character and distinctiveness and will take opportunities to protect and enhance the character and appearance of the area and

its setting wherever possible. The policies and objectives are elaborated on in detail in section 11.1.5.4.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Tony Bamford Planning on behalf of the applicant on 4th March, 2020 according to which:

- The proposals for retention of a modern shopfront finished in grey are appropriate, reasonable, and positive. A vibrant new interface with the street has been created with the two new shopfronts.
- There is no policy with requirements for shopfronts to have historic design as asserted by the planning officer.
- It was decided during construction that extending the shopfront fascia across the carpark entrance addresses an awkward architectural relationship in that the outcome is more coherent than that originally permitted. The strip lighting is negligible, but it creates a degree of visual interest in the blank fascia board and the signage is the minimum necessary for legibility and familiarity with the brand.
- One of the columns to the right side of the entrance was removed during construction as it has no structural function and it was decided that the omission facilitates light and sense of vibrancy.
- The more expansive glazing, with horizontal emphasis installed at ground floor level balanced out irregularity of the upper floor windows which are oddly spaced.
- The shopfront for the SPAR unit involves an increase for height of the fascia which is a minor detail.
- The projecting sign is essential for pedestrians approaching from the east along Thomas Street.

- The signage at the entrance to the carpark is outside the control of the applicant.
- The proposed amendments are consistent with the recommendations within the Dublin City Council's Shopfront Design Guide having regard to scale, dimensions which are conservative, materials colours and lighting.
- It is requested that the decision to grant permission, (as provided for by Condition No 3 attached to it) for the alterations to the internal layout of the Spar store be upheld. The 'as built' layout which has a floor area of 196 square metres, is smaller than that provided for under the prior grant of permission and, is entirely appropriate for the store and its viability.

6.2. Planning Authority Response

There is no submission from the planning authority

7.0 Assessment

- 7.1. There is no objection to the proposed retention of the amended internal layout for the SPAR store. Furthermore, it is fully agreed with the planning officer that the changes do not give rise to material contravention of Condition No 3 attached to the prior grant of permission. A grant of permission for retention is recommended for this element of the proposed development.
- 7.2. The projecting signs for the LIDL store at 990 c 990 x 420 and the shopfront signage in conjunction with the internal illumination are considerable and dominant. The application notices refer to one projecting sign but it was noted in the course of the inspection that there are two projecting signs, one beneath the west facing signage for the carpark and the other at the eastern end of the frontage for the LIDL store. Details are not shown on the application drawings. It may be advisable for clarification to be sought in this regard from the applicant.
- 7.3. Notwithstanding the applicant's requirement to alert pedestrians approaching the store along the street it is considered that the projecting signs also contribute to incompatible and potential an overconcentration of signage at a sensitive site location within the Thomas Street and Environs ACA. (ACA.) Furthermore,

projecting signs are not acceptable within the area the ACA as provided for in section 6.2.6 or the City Council's Shopfront Design Guide, 2001.

- 7.4. While there is no objection to the dark grey colour for the main fascia for the LIDL store the corporate internally illuminated sign mounted forward of the fascia detracts from it. Internal illumination is generally unacceptable. Individually mounted signage within the fascia would be appropriate and it is considered that there should be scope for the design to incorporate recognisable corporate features in such signage.
- 7.5. It is also agreed with the planning officer that the increased scale of the window panels for the Spar Store is excessive in proportion and the case made on behalf of the applicant as to horizontal emphasis complementing the building's vertical or 'irregular'; proportions at the upper levels is not persuasive. It is agreed that any increase in size over that which has been previously permitted is not acceptable.
- 7.6. While the point made in the appeal that there is no requirement for 'historic' design for shopfronts is noted, there is a requirement for that compatibility with the building takes priority with an appropriate design response according the Shopfront Design Guide and for, solid, painted lettering, individually mounted and in proportion to be mounted within the fascia according to the ACA
- 7.7. It is considered that there is no scope for a case to be made for consideration of setting aside the application of these within the ACA in the case in the case of both the LIDL store and the Spar store at the Millar's Hall having regard in particular to its inclusion on the record of protected structures.
- 7.8. It considered that individually, in in combination, the combination of materials, nature, design and extent of all signage including internal illumination for both stores, and, in the case of the Spar store, the increased scale of the fascia and window panels seriously injure the visual amenities and detract from the integrity of the protected structure and the character streetscape within the ACA and refusal of permission for these elements of the proposed development is recommended.

Environmental Impact Assessment Screening.

- 7.9. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment Screening.

- 7.10. Having regard to the nature of the proposed development and the permitted development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that it be decided that the planning authority's split decision should be upheld. A draft order follows.

9.0 Draft Decision.

(1) Grant permission for Retention of:

Changes to the internal layout of the Spar Unit from that for which permission was granted under P. A. Reg. Ref. 2998/18.

Reasons and Considerations

It is considered that the proposed development, subject to the conditions set out below, would not adversely affect the integrity and character of the existing and surrounding buildings and, would be in accordance with the proper planning and sustainable development of the area.

Condition

The development shall be in accordance with Condition Nos 1 – 14 attached to the grant of permission under P. A. Reg. Ref.2998/18 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

(2) Refuse Permission for Retention of:

The changes to the LIDL shopfront design, including timber panelling extended and changes to the overall design of the shopfront, timber panelling finished in grey (RAL 7024); yellow strip light, internally illuminated LIDL sign of fascia and internally illuminated projecting LIDL signs, the inclusion of the SPAR signs and window panel aligned to the top or architrave features on columns.

Reasons and Considerations

It is considered that the proposed development by reason of scale design, materials, colours, illumination and, the quantum which contributes to visual clutter in the area, seriously injures the integrity and character of Millar's Hall, a protected structure, the visual amenities and character of the streetscape within the Thomas Street and Environs Architectural Conservation Area As a result, the proposed development would be contrary to the Thomas Street and Environs Architectural Conservation Area and Policy CHC 4 of the Dublin City Development Plan 2016-2022, would set precedent for similar development and would be contrary to the proper planning and sustainable development of the area."

Jane Dennehy
Senior Planning Inspector
15th June 2020